

Message Text

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ACTION EUR-12

INFO OCT-01 IO-13 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

ACDA-07 DHA-02 /081 W

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R 011233Z DEC 76

FM AMEMBASSY BONN

TO SECSTATE WASHDC 3738

INFO USMISSION USBERLIN

USMISSION USUN NEW YORK

USMISSION NATO BRUSSELS

AMEMBASSY BERLIN

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

C O N F I D E N T I A L SECTION 01 OF 02 BONN 20220

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, WB, UK, FR, UR

SUBJECT: SOVIET STATEMENT ON FRG RATIFICATION OF
CONVENTION RELATING TO THE STATUS OF STATELESS
PERSONS

BEGIN SUMMARY: THE BONN GROUP HAS REACHED AD REF
AGREEMENT ON A REPLY, TO BE SENT BY ALLIED UN MISSIONS,
TO A SOVIET PROTEST IN CONNECTION WITH EXTENSION TO
BERLIN OF THE CONVENTION ON STATELESS PERSONS. ACTION
REQUESTED: APPROVAL OF THE TEXT AND AUTHORIZATION FOR
USUN TO COORDINATE WITH UK AND FRENCH DELEGATIONS IN
DELIVERING REPLY. END SUMMARY.

1. IN NOVEMBER 10 BONN GROUP MEETING, FRG REP HENZE
INFORMED ALLIED REPS THAT THE FRG HAD RECENTLY
RATIFIED THE 1954 CONVENTION RELATING TO THE STATUS OF
STATELESS PERSONS AND HAD EXTENDED THE CONVENTION TO
BERLIN WITH ITS CUSTOMARY BERLIN DECLARATION.

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SUBSEQUENTLY, THE SOVIET UNION DECLARED THAT THE FRG

EXTENSION OF THE CONVENTION TO BERLIN WAS "ILLEGAL."
HENZE RECOMMENDED AN ALLIED REPLY TO THE SOVIET STATE-
MENT.

2. THE SOVIET STATEMENT IS CONTAINED IN UN LETTER
C.N. 349.1976 TREATIES-2 DATED OCTOBER 26, 1976 AND
READS AS FOLLOWS:

THE CONVENTION RELATING TO THE STATUS OF STATELESS
PERSONS OF 28 SEPTEMBER 1954 AFFECTS, IN ITS SUBSTANCE,
MATTERS RELATING TO THE STATUS OF WEST BERLIN. THE
USSR THEREFORE REGARDS THE DECLARATION MADE BY THE
FEDERAL REPUBLIC OF GERMANY CONCERNING THE APPLICATION
OF THE SAID CONVENTION TO WEST BERLIN AS ILLEGAL AND AS
HAVING NO LEGAL FORCE, SINCE, UNDER THE QUADRIPARTITE
AGREEMENT OF 3 SEPTEMBER 1971, THE TREATY OBLIGATIONS OF
THE FEDERAL REPUBLIC OF GERMANY AFFECTING MATTERS OF
SECURITY AND STATUS CANNOT BE APPLIED TO WEST BERLIN.

3. AT NOVEMBER 30 BONN GROUP MEETING, THE FOLLOWING
STATEMENT WAS AGREED AD REF FOR USE BY ALLIED UN
MISSIONS IN AN APPROPRIATE MANNER.

BEGIN TEXT:

1. WE HAVE THE HONOUR TO REFER TO THE NOTE FROM THE
LEGAL COUNSEL, NUMBER CN349.1976. TREATIES-2 OF 26
OCTOBER 1976, CONCERNING THE RATIFICATION BY THE
GOVERNMENT OF THE FEDERAL REPUBLIC OF GERMANY, WITH
DECLARATION, OF THE CONVENTION RELATING TO THE STATUS
OF STATELESS PERSONS DONE AT NEW YORK ON 28 SEPTEMBER
1954, AND IN PARTICULAR TO REFER TO PARAGRAPH 2 OF
HAT NOTE WHICH REPORTED A COMMUNICATION MADE BY THE
GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS
RELATING TO THE APPLICATION OF THAT CONVENTION TO THE
WESTERN SECTORS OF BERLIN.

2. IN A COMMUNICATION TO THE GOVERNMENT OF THE USSR
WHICH IS AN INTEGRAL PART (ANNEX IV A) OF THE QUAD-
RIPARTITE AGREEMENT OF SEPTEMBER 3, 1971, THE GOVERN-
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MENTS OF FRANCE, UK AND US CONFIRMED THAT, PROVIDED
MATTERS OF SECURITY AND STATUS ARE NOT AFFECTED AND
PROVIDED THAT EXTENSION IS SPECIFIED IN EACH CASE,
INTERNATIONAL AGREEMENTS AND ARRANGEMENTS ENTERED INTO
BY THE FEDERAL REPUBLIC OF GERMANY MAY BE EXTENDED TO
THE WESTERN SECTORS OF BERLIN IN ACCORDANCE WITH
ESTABLISHED PROCEDURES. FOR ITS PART, THE GOVERNMENT
OF THE USSR, IN A COMMUNICATION TO THE GOVERNMENTS OF

FRANCE, UK AND US, WHICH IS SIMILARLY AN INTEGRAL PART
(ANNEX IV B) OF THE QUADRIPARTITE AGREEMENT OF
SEPTEMBER 3, 1971, AFFIRMED THAT IT WOULD RAISE NO
OBJECTION TO SUCH EXTENSION.

3. THE ESTABLISHED PROCEDURES REFERRED TO ABOVE, WHICH
WERE ENDORSED IN THE QUADRIPARTITE AGREEMENT, ARE

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 20220

DESIGNED INTER ALIA TO AFFORD THE AUTHORITIES OF FRANCE,
THE UK AND THE US THE OPPORTUNITY TO ENSURE THAT INTER-
NATIONAL AGREEMENTS CONCLUDED BY THE FRG WHICH ARE TO BE
EXTENDED TO THE WESTERN SECTORS OF BERLIN ARE EXTENDED
IN SUCH A WAY THAT MATTERS OF SECURITY AND STATUS REMAIN
UNAFFECTED. THE EXTENSION OF THE CONVENTION RELATING
TO THE STATUS OF STATELESS PERSONS TO THE WESTERN
SECTORS OF BERLIN RECEIVED THE AUTHORIZATION, UNDER
THESE ESTABLISHED PROCEDURES, OF THE AUTHORITIES OF
FRANCE, THE UNITED KINGDOM AND THE UNITED STATES WHO

SATISFIED THEMSELVES THAT MATTERS OF SECURITY AND STATUS WOULD NOT BE AFFECTED THEREBY. THERE IS THUS NO QUESTION THAT THE EXTENSION TO THE WESTERN SECTORS OF BERLIN OF THE CONVENTION RELATING TO THE STATUS OF STATELESS PERSONS IS IN ANY WAY INCONSISTENT WITH THE QUADRIpartite AGREEMENT.

4. ACCORDINGLY, THE APPLICATION OF THE CONVENTION ON THE STATUS OF STATELESS PERSONS TO THE WESTERN SECTORS
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OF BERLIN CONTINUES IN FULL FORCE AND EFFECT.

5. WE HAVE THE HONOUR TO REQUEST THAT THE CONTENTS OF THIS NOTE BE CIRCULATED AS AN OFFICIAL DOCUMENT BY THE UN.

END TEXT.

4. ACTION REQUESTED: RECOMMEND THAT THE DEPARTMENT APPROVE THE ABOVE TEXT AND AUTHORIZE USUN TO COORDINATE WITH THE FRENCH AND BRITISH UN DELEGATIONS IN DELIVERING THE RESPONSE.
STOESSEL

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